

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

MIKE CAMPBELL, )  
 )  
 Plaintiff, ) No. 18-04129-CV-C-BCW  
 ) April 19, 2019  
 V. ) Kansas City, Missouri  
 ) CIVIL  
 REPRESENTATIVE CHERI )  
 TOALSON REISCH, )  
 )  
 Defendant. )

**TRANSCRIPT OF BENCH TRIAL**

BEFORE THE HONORABLE BRIAN C. WIMES  
UNITED STATES DISTRICT JUDGE

Proceedings recorded by electronic stenography  
Transcript produced by computer

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## I N D E X

## PLAINTIFF'S WITNESSES:

## MIKE CAMPBELL

Direct Examination by Mr. Hirth  
Cross-examination by Mr. Pearson

12  
33

## CHERI TOALSON REISCH

Direct Examination by Mr. Hirth  
Cross-examination by Mr. Pearson

40  
64

- - -

## E X H I B I T S

PLAINTIFF'S EXHIBITSOFFERED    RECEIVED

1 - Reisch Twitter feed	4	5
2 - 6/22/2018 tweet with comments	4	5
5 - list of blocked Twitter users	4	5
6 - 5/8/2018 tweet	4	5
7 - 5/23/2018 tweet	4	5
8 - 6/13/2018 tweet	4	5
9 - 6/23/2018 tweet	4	5
10 - Campbell retweet of 6/23/2018 tweet	4	5
11 - notification of being blocked	4	5
12 - press release	4	5
13 - Campbell Twitter feed	4	5
14 - 3/15/2019 tweet	4	5
15 - 3/28 and 3/29 series of tweets		
16 - letter to the editor	7	8

\* \* \* \* \*  
\* \* \* \*

APRIL 19, 2019

- - -

THE COURT: Okay. Good morning. Let the Court call the case. This is Mike Campbell versus Cheri -- is it Reisch?

THE DEFENDANT: Cheri Toalson Reisch.

THE COURT: Reisch, okay. Cheri Toalson Reisch, Case No. 18-CV-04129. Could I have the parties enter their appearance for the record, please?

MR. HIRTH: Yes, Your Honor. Andy Hirth on behalf of Mike Campbell, and I also have my law clerk, Aaron Wynhausen, with me.

THE COURT: Okay, good morning. Good morning, all.

MR. PEARSON: Lowell Pearson, Your Honor, for Defendant Cheri Toalson Reisch, and Representative Reisch is at counsel table with me. Thank you, sir.

THE COURT: Thank you. Well, a couple things, just preliminary matters that we'll take up. I'm not sure if counsel wanted to invoke the rule, or is that necessary, really?

MR. HIRTH: I don't think it's necessary.

MR. PEARSON: No, not from our perspective, Your Honor.

THE COURT: Okay, great. Secondly, was it your intent to -- you know, we've had this case in front of me, I had a hearing on this case. Do you want to do a brief opening,

1 or -- again, I'm affording you that opportunity, not that I  
2 necessarily need that either, but...

3 MR. HIRTH: I intend to do an extremely brief  
4 opening.

5 THE COURT: Okay. Okay, we can just proceed in that  
6 manner, and I'll have you -- if you would like to do your  
7 opening, and then we'll start with our evidence.

8 Anything else we need to take up pretrial-wise?

9 MR. HIRTH: We had a couple of preliminary  
10 housekeeping matters --

11 THE COURT: Sure.

12 MR. HIRTH: -- if we could address those first, Your  
13 Honor.

14 We have given you a copy of all of the exhibits in a  
15 binder up there. Exhibits 3 and 4 have been removed, we're not  
16 using those, but all of the others we have stipulated as to the  
17 authenticity of them, and I don't think there's any objection  
18 by either party to their admission.

19 THE COURT: Okay.

20 MR. HIRTH: So we just wanted to sort of get that  
21 up and -- Lowell, did you have anything else you wanted to add  
22 to that?

23 MR. PEARSON: No. I think it might be helpful,  
24 Andy, to the judge to maybe just explain each of the exhibits  
25 briefly since we don't plan to put them into evidence through

1 witness testimony. If that would be helpful, Your Honor, I  
2 think Mr. Hirth could do that.

3 THE COURT: Right. Why don't we do this now, just  
4 for the record make sure. So Plaintiff's Exhibits, or  
5 exhibits -- Plaintiff's Exhibits 1 through 14 shall be admitted  
6 at this time.

7 MR. HIRTH: And, Your Honor, we have an additional  
8 exhibit --

9 MR. PEARSON: Your Honor, with the exception of 3  
10 and 4.

11 THE COURT: With the exception of 3 and 4.

12 (Plaintiff's Exhibits 1-2 and 5-14 were admitted  
13 into evidence.)

14 MR. PEARSON: Yes. Thank you, sir.

15 THE COURT: And then I assume they're not in here,  
16 correct?

17 MR. HIRTH: They're not in there.

18 THE COURT: Okay.

19 MR. HIRTH: And then there's actually two additional  
20 exhibits that have come into existence since we filed our  
21 exhibit lists. I don't believe that there is any objection to  
22 those coming into evidence either. Those will be  
23 objections 15 -- or Plaintiff's Exhibit 15 and 16. 15 should  
24 be included in your book already.

25 THE COURT: 15 should be?

1 MR. HIRTH: 15 should be included. And if the Court  
2 would like, I'm happy to walk through those and tell the Court  
3 what each exhibit is.

4 THE COURT: Bear with me one second.

5 MR. HIRTH: Sure.

6 THE COURT: Okay, counsel. If you would like to  
7 now, you can kind of briefly go through what these exhibits  
8 are.

9 MR. HIRTH: Sure. So Exhibit 1 is a 105-page  
10 document. It is a printout of Ms. Reisch's Twitter feed. It  
11 does not have all of the comments and all of the replies that  
12 go with Twitter, as those things are sort of exponentially  
13 expandable, but it is the set of tweets that we agreed upon to  
14 include in the record.

15 THE COURT: Okay.

16 MR. HIRTH: Exhibit 2 is a subsection of that big  
17 document that is just limited to one tweet and the actual  
18 comments that go with it.

19 Document No. 5 is a list of users who have been  
20 blocked from the representative's Twitter account.

21 Exhibits 6, 7, and 8 are also three individual  
22 tweets that we have singled out from the larger document.

23 Exhibit 9 is the tweet that is at issue in this  
24 case, essentially, the tweet from Representative -- the  
25 response from Representative Kendrick to Representative

1 Reisch's tweet, and then the comments thereto.

2 Exhibit 10 is Mr. Campbell's retweet of that  
3 comment.

4 Exhibit 11 is the notification Mr. Campbell received  
5 that he had been blocked.

6 Exhibit 12 is a press release issued by the  
7 defendant after this lawsuit was filed.

8 Thirteen is, like Exhibit 1, a printout of Mr.  
9 Campbell's Twitter feed. Again, it's not everything in the  
10 history of his Twitter feed, but it is the things that we have  
11 agreed upon to include.

12 Exhibit 14 is an additional -- or a series of tweets  
13 from March 15th.

14 Exhibit 15 is another series of tweets from March  
15 28th and 29th.

16 And then Exhibit 16, if we get to it, is a letter to  
17 the editor by the defendant from this past Wednesday.

18 THE COURT: Okay. And when you say if we get to it,  
19 what does that mean? Because I'm assuming they would be  
20 admitted into evidence if you --

21 MR. HIRTH: Yeah, I'm happy to give you a copy of it  
22 now, we can do that. They're actual newspapers, so that might  
23 be the easiest thing anyway.

24 THE COURT: Okay.

25 MR. HIRTH: If I may approach, Your Honor, and give

1 you a copy.

2 THE COURT: Yes, you may. Thank you.

3 MR. HIRTH: I think that's all the housekeeping  
4 matters we have.

5 MR. PEARSON: Your Honor, the defendant has no  
6 objection to the admission of Exhibit 16.

7 THE COURT: Okay. Exhibit 16 shall be admitted.  
8 (Plaintiff's Exhibit 16 was admitted into evidence.)

9 MR. HIRTH: And I think we're ready to proceed, Your  
10 Honor.

11 THE COURT: Give me a few minutes to get things  
12 ready up here and then I'll...

13 Okay. Counsel, you can proceed.

14 MR. HIRTH: Thank you. May it please the Court.

15 THE COURT: You may.

16 MR. HIRTH: There's a bedrock principle of First  
17 Amendment law that government officials may not limit the  
18 speech in a public forum -- limit speech in a public forum  
19 based upon the viewpoint of the speaker. In this case,  
20 Plaintiff Mike Campbell alleges that his state representative,  
21 Cheri Toalson Reisch, did exactly that by blocking him from her  
22 Twitter account because she did not like the message that he  
23 posted.

24 Most of the facts underlying Mr. Campbell's claim  
25 are not disputed. To streamline the trial, the parties have



1 submitted a stipulation of facts that we all agree on. That is  
2 Docket No. 43, and we've also included a copy of it in your  
3 binder. We've also designated portions of Representative  
4 Reisch's deposition, which are also included in there, to which  
5 there are no objections. And we -- that is also Docket No. 45,  
6 and we intend to call only two live witnesses today.

7           Taken together, the stipulated facts, deposition  
8 designations, and live testimony that we will present today  
9 will show that Representative Reisch created a designated  
10 public forum for political discourse when she used her Twitter  
11 account to communicate with the public about her office as a  
12 state representative. The evidence will further demonstrate  
13 that she prohibited Mr. Campbell and others with whom she  
14 disagrees from participating in that political discourse in  
15 violation of the First Amendment.

16           I don't know if counsel wants to make his opening  
17 statement, or if we call witnesses?

18           MR. PEARSON: I'll make mine now.

19           THE COURT: You can make it now or at the close of  
20 plaintiff's case in chief.

21           MR. PEARSON: I'll give Mr. Hirth credit. When he  
22 said it was going to be short, he was right.

23           I agree with much of what Mr. Hirth said, Your  
24 Honor. This case turns much more on the law than the facts.  
25 Our position is, really, just two or three points.

1 First, for there to be a designated public forum, it  
2 has to be owned or controlled by the State. Representative  
3 Reisch's Twitter feed is not. The evidence will be that there  
4 is no role at all for the House of Representatives, her  
5 employer, or any other state official. That goes to both --  
6 those facts go to both the public forum issue, and also to the  
7 question of whether there is action under color of state law  
8 because the case is pleaded under 42 U.S.C., Section 1983.

9 We do not dispute the fact that Representative  
10 Reisch blocked Mr. Campbell because she didn't like something  
11 that he said, so that's not really in dispute.

12 And the final point we'll make is that the evidence  
13 is going to be that the restriction on Mr. Campbell's ability  
14 to participate is extraordinarily minimal. All he cannot do is  
15 respond directly to a tweet made by Representative Cheri  
16 Toalson Reisch, that he can comment on her Twitter feed in  
17 response to any tweet by any other person, and that evidence  
18 will be before the Court.

19 THE COURT: Okay, say that again? I want you to  
20 repeat that.

21 MR. PEARSON: Yeah. It's a little bit tricky, so  
22 let me say it more slowly. So it's important to --

23 THE COURT: You didn't say it too fast, I just want  
24 you to say it again.

25 MR. PEARSON: I'll try to say it better, how is

1 that?

2 The restraint here does not mean that Mr. Campbell  
3 can never post a comment anywhere on Representative Reisch's  
4 Twitter feed. What he cannot do is respond directly to her,  
5 but -- let me give an example, and we'll take it out of this  
6 case.

7 THE COURT: So you're explaining what blocked means.

8 MR. PEARSON: I'm really explaining what blocked  
9 means.

10 THE COURT: Okay.

11 MR. PEARSON: And there will be evidence on this,  
12 and it may be more clear that way.

13 But it does not -- it's easy to think that the word  
14 blocking means more than it actually does, and I think for  
15 opening maybe I'll leave my point there.

16 THE COURT: Okay. All right.

17 MR. PEARSON: Thank you, sir.

18 THE COURT: Thank you. Okay. Plaintiff, your case  
19 in chief. Call your first witness.

20 MR. HIRTH: Thank you, Your Honor. Plaintiff calls  
21 Mike Campbell.

22 THE COURT: Okay. Mr. Campbell, if you would come  
23 forward, sir. And I'm going to have you stop right there, turn  
24 to my courtroom deputy, raise your right hand, and be sworn.

25 - - -

1 MIKE CAMPBELL,  
2 being first duly sworn by the courtroom deputy, testified as  
3 follows:

4 THE COURT: Thank you, Mr. Campbell. If you want to  
5 have a seat there, sir.

6 THE WITNESS: Yes, sir, Judge.

7 - - -

8 DIRECT EXAMINATION

9 By Mr. Hirth:

10 Q. Good morning, Mr. Campbell.

11 A. Good morning.

12 Q. Would you please tell the Court your full name?

13 A. Michael Ernest Campbell.

14 Q. And where do you live, Mr. Campbell?

15 A. I live in Centralia, Missouri.

16 Q. How long have you lived there?

17 A. I've lived there since November of -- this time around,  
18 I've lived there since November of 2017 or thereabouts.

19 Q. Where did you live before that?

20 A. I lived in Columbia where I went to Columbia College  
21 and University of Missouri Law School.

22 Q. Did you grow up in Columbia?

23 A. I did not.

24 Q. Where did you grow up?

25 A. I grew up in Centralia, Missouri.

1 Q. What do you do for a living, Mr. Campbell?

2 A. I'm a trial attorney in Columbia.

3 Q. What kind of law do you practice?

4 A. I practice primarily injury cases, so auto wrecks,  
5 medical negligence, and fall cases.

6 Q. Would you say you're politically active?

7 A. I would say that, yeah, I've definitely been  
8 politically active in the past. Much less so recently, but  
9 yes.

10 Q. And in what ways are you politically active?

11 A. Well, I volunteer for campaigns, I donate, I  
12 contribute, and then I also participate in discussions online.

13 Q. Are you active on social media?

14 A. Yes.

15 Q. What platforms do you use?

16 A. I use Twitter and Facebook.

17 Q. And for your Twitter account, what is your Twitter  
18 handle?

19 A. @attorneymikec.

20 Q. Can you briefly explain to the Court how Twitter works,  
21 what Twitter is?

22 A. Yeah, sure. It's a social media platform where people  
23 can communicate with each other through tweets and retweets,  
24 and it's basically a huge public forum where lots of ideas and  
25 discussions are taking place. It seems like that is where most

1 of the discussions nowadays are taking place, anyway.

2 Q. And in what ways do you use Twitter in your daily life?

3 A. So I'll retweet something I like or agree with. I will  
4 tweet something that I want my followers to see, and I also get  
5 on and look at my Twitter feed, which has news stories. It  
6 seems like breaking news is always going to be on Twitter  
7 first.

8 Q. How often would you say you check Twitter?

9 A. I check Twitter -- I check Twitter daily.

10 Q. And what -- so Twitter allows you to follow other  
11 people; is that right?

12 A. Yeah, you can follow other people, and you can see what  
13 they're tweeting, what they're saying. It's fascinating. I  
14 mean, people that you wouldn't be able to approach on the  
15 street, you can see what they're saying, what their thoughts  
16 are. And you can also communicate with them and, you know,  
17 famous celebrities or politicians sometimes will communicate  
18 back.

19 Q. What kind of Twitter users do you follow?

20 A. I follow a wide variety of Twitter users. Most of my  
21 practice is around safety advocacy, so I follow a lot of people  
22 who do things related, tweet things related to safety advocacy.  
23 I think that's important, it's where my passion is. And then I  
24 also follow elected officials, and I'd say maybe a few  
25 celebrities and probably Royals baseball, you know,

1 personalities.

2 Q. And do you often post on Twitter yourself?

3 A. Not recently. I used to post much more often, but not  
4 so much recently. I've just been too busy.

5 Q. And do you ever comment on the posts of people that you  
6 follow?

7 A. I do from time to time.

8 Q. So I'd like you to turn -- we have a book of exhibits  
9 there in front of you, and if you'll look first to what's been  
10 marked as Exhibit 13.

11 A. Yes, sir.

12 Q. And Exhibit 13 is a copy of your Twitter posts; is that  
13 correct?

14 A. That's true.

15 Q. Now, if we look at the document itself, in the upper  
16 left-hand corner, there's a bunch of information. First it  
17 says Mike Campbell, your name. Below that, the @ symbol, what  
18 is that?

19 A. That is -- that's how people can tweet at me. They put  
20 @, and then my Twitter handle.

21 Q. That's how you're identified on Twitter.

22 A. That's how I'm identified on Twitter.

23 Q. And then below that, you list that you're an attorney  
24 in Columbia. You mention your law office, you mention your  
25 kinds of practice.

1 A. That's right.

2 Q. And below that, there is a website,  
3 [mikecampbelllaw.com](http://mikecampbelllaw.com). What is that?

4 A. That's my law firm website.

5 Q. And then finally it says you joined in July of 2013.  
6 Is that when you first joined Twitter?

7 A. Yes.

8 Q. Okay. Now, if you look at the top post here from the  
9 day that this was printed, February 23rd, could you read that  
10 tweet for us?

11 A. Yeah. So that is a tweet that I made, and it says,  
12 (quoted as read) "Have never seen this many pack in for a  
13 @Centralia\_R6," which is Centralia High School, "basketball  
14 game for @MonroeCityHigh," which is Centralia's rival. "Winner  
15 advances." It was a regional game. "@Kip\_Kendrick, where are  
16 you at? Who you got?"

17 Q. Who is Kip Kendrick?

18 A. He's a state representative who resides in Columbia,  
19 but he's from Monroe City, and we actually discovered we used  
20 to play football against each other.

21 Q. Do you interact with him frequently on Twitter?

22 A. I do, mostly just because we like to razz each other  
23 about Centralia and Monroe City stuff.

24 Q. Why do you choose to interact with him on Twitter, as  
25 opposed to some other medium?



1 A. It's just easier.

2 Q. All right. I'd like to direct your attention to the  
3 tweet on February 29, the bottom of that page. It says Law  
4 Office of Mike Campbell, and then there's an @LawLomc?

5 A. Oh, yeah, sure.

6 Q. So that's your name, but that's a different Twitter  
7 handle than is up at the top. What's going on there?

8 A. That's -- I'm retweeting some information from my law  
9 firm Twitter, @LawLomc, where we tweeted out some information  
10 about Drive Safe, Drive Smart campaign for drivers to stay  
11 alert.

12 Q. So you have separate Twitter accounts for your law  
13 office and for you personally?

14 A. I do.

15 Q. And it says that Mike Campbell retweeted. Can you just  
16 briefly explain what retweeting is, as opposed to tweeting?

17 A. Right. So it's basically like repeating what someone  
18 else is saying, except for you actually can repeat it  
19 accurately. So it's retweeting.

20 Q. Is that something you do frequently, retweet other  
21 people?

22 A. Yeah, I find that a lot easier than coming up with my  
23 own ideas. Usually people tend to say things much smarter than  
24 I do and more eloquently. So...

25 Q. If you look at the bottom of Page 3, there is another

1 Mike Campbell retweeted Kip Kendrick.

2 A. Yes.

3 Q. Can you tell us what that retweet is about?

4 A. So let's see. He's tweeting @Mizzou, University of  
5 Missouri, saying, "Thank you for being transparent and honest.  
6 You sent the right message to student athletes and all  
7 Missourians. Now go fight like hell, knowing we've got your  
8 back."

9 And that was the -- that was around the time that  
10 the NCAA sanctioned the University of Missouri for  
11 self-reporting on some infractions; and instead of writing,  
12 tweeting something myself, he seemed to sum up my thoughts, so  
13 I retweeted his thoughts.

14 Q. You said that Mr. Kendrick is a state rep. What  
15 political party does he belong to?

16 A. He's a Democrat.

17 Q. Do you only repost posts from Democrats?

18 A. I do not.

19 Q. Direct your attention to Page 61, the same exhibit.

20 MR. PEARSON: I don't believe the pages are marked.

21 MR. HIRTH: Oh, they're not on the bottom right?

22 THE COURT: Yeah, they are. Or at least they appear  
23 to be.

24 MR. HIRTH: Oh, I'm sorry, the bottom left.

25 MR. PEARSON: Ours aren't.

1 MR. HIRTH: That must be your copy of it, right?

2 Yeah.

3 THE WITNESS: What's the date, Mr. Hirth?

4 MR. HIRTH: Yeah, the date is 11 October 2018.

5 MR. PEARSON: 11 October 2018.

6 MR. HIRTH: 2018.

7 THE WITNESS: Perfect. Yeah, I'll find it.

8 MR. HIRTH: Sixty pages in or so.

9 A. So I see 10 October 2018, but I don't --

10 BY MR. HIRTH:

11 Q. Continue to the next page.

12 A. Oh, okay. Yeah, all right.

13 Q. At the bottom of the page?

14 A. Yeah, 11 October 2018.

15 Q. And you were retweeting there. Who are you retweeting?

16 A. Governor Mike Parson.

17 Q. And what did you -- what tweet from the governor did  
18 you tweet here?

19 A. So he talks about how Missouri truckers have always  
20 been important to our economy, and so he met with some members  
21 of the MO trucking industry today about top priorities, which  
22 are workforce development and improving infrastructure. And,  
23 you know, he finishes it with, "To meet the demands of the  
24 future, we will need more truck drivers and safer roads," and I  
25 abundantly agree with that.

1 Q. And if you'll turn two more pages, at the bottom  
2 there's another tweet from the governor that you retweet; is  
3 that correct?

4 A. That's correct.

5 Q. And what is this one about?

6 A. So this is Governor Parson talking about a family fall  
7 festival, and I thought that people who followed me on Twitter  
8 would want to know about it. It was at the Missouri Governor's  
9 Mansion.

10 Q. And then one more on the next page. There's another  
11 tweet there; is that correct?

12 A. Yeah, that was one that he had talked about the strong  
13 history with the manufacturing sector. I will retweet things  
14 from Governor Parson from time to time. I like Governor  
15 Parson. I think he's a good guy.

16 Q. Now I want to turn to the post at issue in this case.  
17 So I'll direct your attention to June 23, 2018. It's Page 79,  
18 if they're numbered.

19 A. I found it by the date.

20 Q. And it says that you retweeted a tweet from Kip  
21 Kendrick, whom you already mentioned; is that right?

22 A. That's true.

23 Q. And what was Representative Kendrick responding to?

24 A. So Representative Kendrick was responding to  
25 Representative Reisch. There was a Boone County Farm Bureau

1 forum where there was -- the Pledge of Allegiance was said, and  
2 her opponent, Dr. Maren Jones, put her hands behind her back.  
3 And Representative Reisch was openly critical of her for not  
4 putting her hand over her heart, and Representative Kendrick  
5 was providing context to the situation. He was explaining  
6 that, actually, Dr. Jones comes from a military background, and  
7 she was standing at parade rest and that comments like those  
8 were beneath the Boone County delegation in which he serves,  
9 and I agreed with that sentiment.

10 Q. And so you retweeted it yourself?

11 A. I retweeted it.

12 Q. And what house district do you live in?

13 A. I live in Missouri House District -- oh, boy. 43, I  
14 believe.

15 Q. 44?

16 A. 44, yeah.

17 Q. And that is Representative Reisch's district; is that  
18 correct?

19 A. That's correct.

20 Q. She's your state representative.

21 A. She's my state representative.

22 Q. All right. And if you look at that original tweet in  
23 Exhibit 1 -- I guess that's what you're already looking at. If  
24 you look at Page -- excuse me. If you'll look at Page 5 of the  
25 original exhibit, of Exhibit 1.

1 A. Oh, okay. Yeah, they're numbered on this.

2 Q. And so this is -- at the bottom of that page, that is  
3 the larger version of the original tweet; is that right?

4 A. That's correct.

5 Q. And would you just read that for the record, please,  
6 that tweet?

7 A. Yeah, it's a tweet by Cheri Toalson -- Representative  
8 Reisch. "An honor to speak at the Bo Co Farm Bureau Strawberry  
9 Festival. Sad my opponent put her hands behind her back during  
10 the Pledge."

11 Q. And who was her opponent?

12 A. Dr. Maren Jones.

13 Q. Were you familiar with Maren Jones at the time?

14 A. Apparently, I was. We have a small cat farm, so we  
15 have quite a few animals, and Dr. Jones, my wife informed me  
16 later, was -- had treated them at one point in time.

17 Q. And let's look at Representative Kendrick's post, also  
18 blown up. If you would turn to Exhibit 9, it's a larger  
19 picture of it. It's a little easier to read.

20 And this is the response from Kip Kendrick you were  
21 saying he posted in response to her?

22 A. Yeah, that's right. It says that -- would you like for  
23 me to read it?

24 Q. Yes, please.

25 A. "Maren's father was a lieutenant colonel in the Army.

1 Two of her brothers served in the military. I don't question  
2 @docjones44" -- that's Dr. Maren Jones' Twitter account. "I  
3 don't question @docjones44 patriotism. That's a low blow and  
4 unacceptable from a member of the Boone County delegation."

5 Q. Did you agree with Representative Kendrick's tweet?

6 A. I did. I mean, I think that Representative Kendrick is  
7 a pretty reasonable guy. You know, he's not going to say  
8 anything out of line.

9 Q. Why did you bother retweeting it on your page?

10 A. Because I felt like people needed context for what  
11 Representative Reisch was tweeting out into the public sphere.

12 Q. Does retweeting him allow you to reach more people, or  
13 what's the point of that?

14 A. It not only allows me to reach more people, it allows  
15 anyone who retweets it to not just reach their followers, but  
16 also the followers of the initial post, the initial tweet.

17 Q. And what happened after you retweeted Representative  
18 Kendrick's post?

19 A. I discovered that Representative Reisch had blocked me.

20 Q. How did you find that out?

21 A. I tried to go to her Twitter page, and I couldn't view  
22 any of the content.

23 Q. If you'll turn to Exhibit 11 and tell us what this is  
24 an exhibit -- what Exhibit 11 is.

25 A. It is a notification saying, "@CheriM044 blocked you,"

1 and "You are blocked from following @CheriM044 and viewing  
2 @CheriM044's tweets."

3 Q. And what did you think when you saw it?

4 A. I was -- honestly, I was baffled. I don't know -- I  
5 didn't understand why she would block me for retweeting  
6 something that Representative Kip Kendrick would have posted.

7 Q. You said you went to try to go to her page?

8 A. I did.

9 Q. What happened when you tried to do that?

10 A. I saw that I couldn't see her tweets or any of the  
11 responses.

12 Q. And were you able to comment in some way on what she  
13 tweeted?

14 A. I was not.

15 Q. Do you know whether Representative Reisch blocked  
16 anyone else besides you?

17 A. I believe that she had blocked some other people.  
18 That's how I discovered that she had been blocking, this was  
19 something that she had been doing for a while.

20 Q. If you'll turn back to Exhibit 9, Representative  
21 Kendrick's post. At the bottom of that page, there's some  
22 little icons, it looks like a dialogue bubble that says 4?

23 A. Yes.

24 Q. What does that mean?

25 A. Comments, people who are commenting on Representative



1 Kip Kendrick's tweet.

2 Q. Does that mean there were four comments?

3 A. There are four comments, yes.

4 Q. And if you'll turn the page, what is the first comment  
5 that you see?

6 A. Representative Bruce Franks, he's putting some sort of  
7 emojis on there. I don't know what those emojis are, but he's  
8 posting that Representative Cheri Reisch, I believe, blocked  
9 him.

10 Q. And Bruce Franks is also a state rep?

11 A. He's also a state rep.

12 Q. And if you'll turn to the next page, actually two  
13 pages, there is a comment from a Patrick Sesia? Do you see  
14 that?

15 A. Yes.

16 Q. And what does Patrick Sesia comment?

17 A. "I didn't even have to comment on her post to get  
18 blocked," and he's tweeting that to state representatives, and  
19 then also Dr. Jones.

20 Q. And this is a continuation of the dialogue about the  
21 original post?

22 A. That's right.

23 Q. And if you'll look below that, that reply, there is a  
24 red line going down to -- or excuse me, before we get to that,  
25 right below Patrick Sesia, there is a comment from

1 Representative Reisch; is that correct?

2 A. That's true.

3 Q. And what does she tweet there?

4 A. (Quoted as read.) "For being a part of the Boone  
5 County delegation, the two Ds weren't even there. Are we  
6 suppose -- are we suppose you don't support farmers?"

7 Q. And so this is Representative Reisch responding to,  
8 directly to Representative Kendrick's criticism of her; is that  
9 right?

10 A. That's correct.

11 Q. And then there's a red line that goes down from that to  
12 an Alexandra --

13 A. Yes.

14 Q. -- @aliemalie? And what does she write?

15 A. (Quoted as read.) "Are we suppose that the Farm Bureau  
16 is the only mouthpiece for farmers? Last time I checked, they  
17 were an insurance company that supports corporate farming."

18 Q. And this is aliemalie responding to Representative  
19 Reisch responding to Kip Kendrick; is that right?

20 A. That's right, it's just a big conversation taking  
21 place.

22 Q. All right. If you'll look back at Exhibit 2, this is  
23 the blowup of the -- of Representative Reisch's tweet from the  
24 22nd.

25 Now, at the bottom of that first page, there's the

1 little dialogue bubble, and it says 31?

2 A. That's right.

3 Q. And you said that that's the number of comments made?

4 A. That's right.

5 Q. And if you turn through the next several pages, these  
6 are the comments?

7 A. That's right.

8 Q. Do you have a comment in there?

9 A. No, I don't believe so.

10 Q. Why not?

11 A. I couldn't comment on this particular thread. She had  
12 blocked me from doing so.

13 Q. Would you have liked to have taken part in that  
14 conversation?

15 A. Yes, I would have.

16 Q. Why?

17 A. Because I think it's important to provide context,  
18 especially if we're talking about conversations taking place in  
19 a public forum. And Representative Kendrick had provided some  
20 context, but this is an ongoing conversation in what I consider  
21 a public forum. That is important because it's campaign  
22 season, and I wanted for her followers -- because if you go  
23 back to her initial tweet, there are five people who have --  
24 it's a heart symbol, and there are five people who liked it. I  
25 don't know if those people understand the context for what she

1 was saying or not because clearly Dr. Jones was not being  
2 unpatriotic.

3 Q. And so you weren't able to respond to this, but you  
4 were able to respond to Representative Kendrick's criticism,  
5 weren't you?

6 A. That's true.

7 Q. So why isn't that good enough? I mean, you have a  
8 platform out there, you can respond to what he's saying and  
9 retweet it.

10 A. I live in Representative Reisch's district, and I think  
11 I should have the opportunity to be able to speak to her  
12 followers and people who support her about some of the things  
13 that she's saying. I want her to provide some factual context  
14 to that, and the same people who follow her may not follow  
15 Representative Kendrick.

16 Q. And you wanted to reach all of them.

17 A. I wanted to reach all of them.

18 Q. So when you discovered that you were blocked and you  
19 couldn't participate in this conversation, what did you do?

20 A. Well, I actually went back and checked a few times, and  
21 I can recall because I was sitting on the front porch of my  
22 house in my rocking chair, and I thought, you know what? I  
23 don't think that this is right. And so I thought about my  
24 options, and that's whenever I reached out to you, actually.

25 Q. And you filed this lawsuit.

1 A. I did file this lawsuit.

2 Q. Since you filed this lawsuit, have you tweeted about  
3 it?

4 A. No.

5 Q. Have you engaged with, talked to reporters about it?

6 A. I have not.

7 Q. And what about Representative Reisch? Has she  
8 commented on this in the media?

9 A. Yes, she has.

10 Q. I direct your attention to Exhibit 12. This is a press  
11 release issued by Representative Reisch --

12 A. Yes.

13 Q. -- on July 16, 2018.

14 A. Yes.

15 Q. Would you read the headline at the top, please?

16 A. "Statement from Representative Cheri Toalson Reisch  
17 regarding frivolous lawsuit dealing with her use of social  
18 media." And this is on her official letterhead from the state  
19 office.

20 Q. And if you'll look down to the third paragraph in that  
21 press release that begins "in regard," could you read that to  
22 us, please?

23 A. The whole third paragraph?

24 Q. Yes.

25 A. "In regard to the frivolous lawsuit filed by Mr.

1 Campbell, I consider it to be a publicity stunt rather than an  
2 earnest attempt to address an issue with my office. Mr.  
3 Campbell has never," underlined, "reached out to me by e-mail,  
4 phone call, traditional mail, or by a visit to my office. He  
5 has many avenues to communicate with me as a state  
6 representative, but his intent has never been to share his  
7 thoughts with me. His only goal is to gain attention for his  
8 politically-motivated stunt. The fact he has inaccurate dates  
9 in his lawsuit and falsely accuses me of blocking one of my  
10 colleagues in the legislature underscores the disingenuous  
11 nature of his actions."

12 Q. So a couple things there. Why didn't you reach out to  
13 Representative Reisch by e-mail or by phone?

14 A. She wasn't having this conversation by e-mail or by  
15 phone. She was having this conversation on Twitter.

16 Q. So you were just following the forum she started it in.

17 A. She elected the forum, and I chose to participate in  
18 it.

19 Q. And she refers to this as a politically-motivated  
20 stunt. Did you do this as a politically-motivated stunt?

21 A. No, I did not.

22 Q. Isn't it fair to say -- you're a lawyer in the area.  
23 Doesn't this raise your profile?

24 A. No, this is about the worst possible -- well, I don't  
25 want to say it's the worst possible thing that I could do for

1 my profile. But I try cases in Boone County, Missouri, which  
2 is a fairly right-leaning county, and we draw people from  
3 throughout the county to our venire panels. And the last thing  
4 that I want for my client whenever I'm trying a case is for  
5 someone on the jury pool to say, oh, you're that crazy liberal  
6 who has warrants out for his arrest, who filed this suit  
7 against a good conservative like Representative Reisch. This  
8 is about the last possible thing that I would want to do to  
9 advance my career.

10 Q. So why did you do it?

11 A. Because it was the right thing to do.

12 Q. Now, in addition to this press release, did Ms. Reisch  
13 talk to the media that you're aware of?

14 A. She talked to the media regularly, yes.

15 Q. And if you'll look at Exhibit 1 again, the very first  
16 page, the third tweet down, could you read that for us?

17 A. "Politigation from the liberal, dirty playbook.  
18 Copycats with no new ideas or solutions." She's retweeting a  
19 popular radio station in the area that says, "@CheriM044 bashes  
20 the Twitter lawsuit against her, calling it politigation."

21 Q. And it says 93.9 The Eagle?

22 A. Yes.

23 Q. Is that a -- that's a radio station?

24 A. It is. It's a very popular radio station in  
25 mid-Missouri.

1 Q. Did you happen to hear that broadcast?

2 A. I heard a broadcast, yes.

3 Q. And did Representative Reisch talk about you on the  
4 radio in that case?

5 A. As I recall, the very first words out of her mouth was,  
6 this is a guy who has warrants out for his arrest, who doesn't  
7 know that Missouri is a state, and some other things about my  
8 character.

9 Q. Are any of those statements true?

10 A. I do not have warrants out for my arrest. I am aware  
11 that Missouri is a state, I'm a practicing lawyer here. So I  
12 believe I may have misspoke once and corrected myself.

13 Q. Are you seeking monetary damages from Ms. Reisch in  
14 this case?

15 A. I'm not.

16 Q. What are you asking the Court for?

17 A. For her to -- well, I'm asking the Court to enjoin her  
18 from blocking people on her Twitter page.

19 Q. Why is that important to you?

20 A. Because I think democracy only functions whenever we  
21 have free ability to discuss the facts and to listen to other  
22 people, to have context, hear the truth, and, you know, in this  
23 day and age, it seems like there's not a disinterest for that,  
24 a lack of interest. It's almost like there's a contempt for  
25 it, to hear what the other side has to say or to understand the



1 context of something. And this is where the modern generation  
2 of people are having these conversations; and so if we're going  
3 to silence someone from providing a different viewpoint, then I  
4 don't know what that means for democracy.

5 MR. HIRTH: Thank you. No further questions.

6 THE COURT: Thank you. Mr. Pearson, cross?

7 MR. PEARSON: Thank you, Your Honor.

8 - - -

9 CROSS-EXAMINATION

10 By Mr. Pearson:

11 Q. Mr. Campbell, I'm Lowell Pearson. Let's start sort of  
12 where we ended and then work our way back.

13 So would you take a look at Exhibit 12, please?

14 A. Yes.

15 Q. That's the press release. Tell me when you have that  
16 in front of you, please.

17 A. I do.

18 Q. So you read from Paragraph 3, so I'm going to ask you a  
19 factual question, which is -- the second sentence of the third  
20 paragraph, I'll read that just so we're clear.

21 "Mr. Campbell has never reached out to me by e-mail,  
22 phone call, traditional mail, or by a visit to my office."

23 Is that correct?

24 A. That's true.

25 Q. You said that you -- publicity about this case might

1 harm your practice because Boone County is right-leaning. Did  
2 I get that right?

3 A. Yes.

4 Q. And you're obviously politically active in Boone  
5 County, so I'm going to ask you a couple of questions about  
6 elected officials in Boone County and see if you know who these  
7 people are.

8 A. True.

9 Q. Do you know the political party of the three  
10 commissioners in Boone County?

11 A. Yeah, they're -- two are Democrats, and one is a  
12 Republican.

13 Q. What about the county clerk?

14 A. She's a Democrat.

15 Q. In fact, she defeated a Republican incumbent in 2016,  
16 correct?

17 A. That's true.

18 Q. That's a Brianna Lennon.

19 A. That's true.

20 Q. She's a former law partner of yours.

21 A. She was not a law partner of mine.

22 Q. Brianna Lennon is a Democrat?

23 A. She is a Democrat.

24 Q. What about the county recorder, Republican or Democrat?

25 A. And if I could, I just want to make sure that's clear.

1 She was an associate. She did work at my law firm.

2 Q. Thank you.

3 A. Yeah.

4 Q. I appreciate that.

5 A. Yeah, no problem.

6 Q. What about the county recorder?

7 A. I believe she's a Democrat.

8 Q. The assessor.

9 A. Democrat.

10 Q. Do you know of -- other than the one person you  
11 identified, one of the commissioners, do you know of any  
12 Republican who holds a county office in Boone County?

13 A. Just county officials?

14 Q. Yes.

15 A. I do not.

16 Q. So what's the factual basis for your conclusion that  
17 Boone County is right-leaning, given the fact you've just  
18 testified that it's only elected one Republican county-wide?

19 A. In 2016, Caleb Rowden won the Senate seat there.  
20 Before him, Kurt Schaefer was the state senator, who were both  
21 Republicans. Representative Reisch is my representative, she's  
22 a Republican. Representative Sara Walsh is also a Boone County  
23 Republican who represents the district. Representative Chuck  
24 Basye, who represents, what, the 47th? So the northeast part  
25 of the -- northwest part of the county is also a Republican.

1           A Republican sits as a judge, defeated a Democrat in  
2 2018. That would be Republican Judge Brouck Jacobs. There's  
3 also Republican Judge Kevin Crane. And I'm not sure if Sue  
4 Crane is also an associate circuit judge of Boone County, I  
5 believe she might be, but she's also a Republican.

6       Q.       You're aware that many of those state senators and  
7 representatives that you identified, their districts are not  
8 solely within Boone County, right?

9       A.       They are not solely within Boone County, that is  
10 correct.

11      Q.       Thank you. You talked a little bit about --

12           THE COURT: Let me ask this question. Is that going  
13 to be of any relevance? You all are hitting on this. Is it  
14 any relevance to this Court what Boone County is, persuasion,  
15 Democrat? If so, in the end, I want to know that. Otherwise,  
16 we're spending a lot of time on things that are not going to be  
17 relevant to this Court's decision on what I have to decide. If  
18 it is, that's fine. But if it's not, we probably need to move  
19 forward.

20           MR. PEARSON: I'm going to move on anyway, Your  
21 Honor.

22           THE COURT: Thank you.

23           MR. PEARSON: But I will say I don't think it is.

24           THE COURT: Okay.

25           MR. PEARSON: But since Mr. Hirth elicited the

1 testimony, I feel it's my obligation to make a complete record  
2 on cross-examination.

3 THE COURT: I wasn't compelled by his statements,  
4 and I was going to ask him the same thing. Unless it makes an  
5 impact on what I rule, I think we should move and stay away  
6 from those things. Let's hear the facts that relate to --

7 MR. PEARSON: Fine with me. I did not make a  
8 relevance objection, which perhaps I could have and should  
9 have. But we'll move on.

10 THE COURT: I'll make it myself next time just from  
11 the bench so we can streamline and get to the issues that are  
12 going to help this Court decide this case.

13 MR. PEARSON: Fair enough. Fair enough.

14 BY MR. PEARSON:

15 Q. Mr. Campbell, you talked a little bit about your  
16 understanding of Twitter, so I've just got a couple of  
17 questions for you about that.

18 A. Sure.

19 Q. Can you tell us with as much precision as you can what  
20 your understanding of what being blocked means?

21 A. I cannot see any tweets that Representative Reisch puts  
22 or communicates to people on her Twitter page.

23 Q. And I suppose if you can't see them, you can't respond  
24 to them; do I have that right?

25 A. That would be correct.

1 Q. Now, let's use the example, just to be clear here, if  
2 Representative Kendrick, who is not blocked, follows  
3 Representative Reisch and he posts something in response -- a  
4 comment about a tweet of hers, you can see what Representative  
5 Kendrick's response to Representative Reisch was, correct?

6 A. As long as I'm not blocked by Representative Kendrick,  
7 that would be correct.

8 Q. And you're not right now.

9 A. I am not.

10 Q. And you can also comment in response to Mr. -- or to  
11 Representative Kendrick's tweet, correct?

12 A. Sure, I can comment and retweet, yes.

13 Q. Okay. You said you moved into the district or moved  
14 into Centralia in November of 2017?

15 A. Yeah, thereabouts.

16 Q. Did you register to vote there?

17 A. I registered to vote before the next election, so that  
18 would have been the next year, I assume.

19 Q. I'm not trying to trick you here.

20 A. I don't know.

21 Q. If I told you it was April 2018, would that be right?

22 A. That wouldn't surprise me, yeah.

23 Q. You don't own your own Twitter account, right? You  
24 have no ownership interest in that account.

25 A. I don't know that I could sell it to somebody else,

1   yeah.

2       Q.       And is that true, to your knowledge, of every Twitter  
3   user?

4       A.       To my limited knowledge of Twitter, yes.

5       Q.       Do you know whether elected officials like  
6   Representative Reisch have any greater rights or opportunities  
7   under Twitter than a private citizen like you?

8       A.       I don't know the answer to that question.

9       Q.       Are you familiar with the fact that Twitter has what  
10   are called terms of use?

11      A.       Yes.

12      Q.       And just to kind of move things along, would you agree  
13   with me that those define the permissions that users have and  
14   that those permissions come from Twitter?

15      A.       I would agree with that.

16      Q.       And just generally, could you tell us your  
17   understanding of those terms of use? Not a lot of detail is  
18   needed.

19      A.       Sure. I don't think that you can threaten or defame or  
20   be obscene to someone. I don't know the full details, but  
21   that's my understanding, just from seeing the news about it.

22      Q.       So the terms of use are the rules that Twitter imposes  
23   on its users; is that a fair statement?

24      A.       I would -- yeah. I would suppose so, yes.

25               MR. PEARSON: Your Honor, may I have one moment to

1 confer with my client?

2 THE COURT: Sure.

3 (So done.)

4 MR. PEARSON: No further questions, Your Honor.

5 THE COURT: Thank you. Any redirect?

6 MR. HIRTH: I have no redirect, Your Honor.

7 THE COURT: Thank you, Mr. Campbell, you can stand  
8 down.

9 Plaintiff, call your next witness.

10 THE WITNESS: Thank you, Judge.

11 MR. HIRTH: Plaintiff calls Cheri Toalson Reisch.

12 THE COURT: Okay. I'm going to have you sworn by my  
13 courtroom deputy right there.

14 - - -

15 CHERI TOALSON REISCH,

16 being first duly sworn by the courtroom deputy, testified as  
17 follows:

18 - - -

19 DIRECT EXAMINATION

20 By Mr. Hirth:

21 Q. Good morning, Representative Reisch. Could you please  
22 tell the Court your full name?

23 A. Cheri Gail Toalson Reisch is my full legal name.

24 Q. And you are a state representative; is that correct?

25 A. Correct.



1 Q. What district do you represent?

2 A. 44, not 43.

3 Q. What area does that cover?

4 A. Northeast Boone County and southeast Randolph County.

5 Q. And you have a Twitter account; is that correct?

6 A. One my nephew Erik set up for me.

7 Q. If you'll look at Exhibit 1, this is, as we said  
8 previously, a printout of your Twitter page; is that correct?

9 A. Correct.

10 Q. And in the upper left-hand corner, that is your name,  
11 Cheri Toalson Reisch.

12 A. Correct.

13 Q. And below that, it says @CheriM044. Is that your  
14 Twitter handle?

15 A. That's the one my nephew Erik set up for me.

16 Q. And M044 refers to the district you represent in the  
17 House of Representatives, correct?

18 A. Correct.

19 Q. And below that, you identify yourself as a MO State Rep  
20 for 44th District; is that correct?

21 A. No, it states Christian, comma, Missouri state rep  
22 District 44, comma, mother, comma, grandmother, and then an  
23 abbreviation for Philippians 4:13, which means I can do all  
24 things through Christ, who strengthens me.

25 Q. And if you'll look just below that, there is a circle

1 sort of with a -- one end of it that's pointy. It says  
2 District 44, Missouri USA; is that correct?

3 A. Correct.

4 Q. That also refers to your House district, doesn't it?

5 A. Correct.

6 Q. And then below that, it says cheri44.com. What is  
7 that?

8 A. My nephew Erik put that on there. It's a link to my  
9 official Facebook page, not my other Facebook page.

10 Q. And it's to your Facebook page?

11 A. I mean -- I'm sorry. Website.

12 Q. Website.

13 A. Website, excuse me.

14 Q. Your campaign website; is that correct?

15 A. Correct.

16 Q. And then below that it says that you joined Twitter  
17 September 2015; is that correct?

18 A. That's when my nephew set it up for me. I'm old school  
19 grandma, and he's a millennial and came to me and said, hey,  
20 Aunt Cheri, you should get out on Twitter. And I'm like, I  
21 don't know anything about Twitter. So he said, well, I'll set  
22 it up for you, I'll do it. And he did a lot of the tweets for  
23 me, and he set everything up for me. I didn't know the first  
24 thing about Twitter.

25 Q. In fact, you created the Twitter account to launch your

1 campaign for the seat in the House; isn't that right?

2 A. No, I didn't create it, my nephew did.

3 Q. But he created it for that purpose, for your run for  
4 the House.

5 A. He just thought I needed to get out in the social media  
6 world. He was back from three tours in Iraq, and he had time  
7 on his hands and needed something to do while he was finishing  
8 a master's degree at MU, so he said he would just do it.

9 Q. If you'll turn to the second to the last page of  
10 Exhibit 1. It's Page 104 if the pages are numbered. Are you  
11 there, ma'am?

12 A. Correct.

13 Q. And the very first tweet, it's the third on the page  
14 but the earliest one of them, 21 September 2015, could you read  
15 that, please?

16 A. (Quoted as read.) "Jobs and education are my highest  
17 priority for #Missouri's District 44," and it links to a  
18 *Columbia Missourian* article, it looks like.

19 Q. And then what about the one right below that?

20 A. (Quoted as read.) "I'm proud to be featured in the  
21 *Columbia Tribune*." But I didn't send those tweets, my nephew  
22 did.

23 Q. Does your nephew always post your tweets?

24 A. In the beginning, yes, and then later on as he taught  
25 me how to do it, I would do probably more of the recent ones.

1 But in the beginning, these are dated 2015, he just did it for  
2 me.

3 Q. Now, over the next year after this account was created,  
4 you used your Twitter account to campaign for a seat in the  
5 House; isn't that right?

6 A. That's only part of my life. I have multiple jobs and  
7 a family and children and grandchildren and a church family.  
8 So this is -- this one picture on Page 100, for example, I was  
9 vice-president of the Hallsville Chamber of Commerce for years,  
10 and I was mayor, so this is me as mayor presenting Chamber of  
11 Commerce awards. So it's only one part of my life, not my  
12 whole life. I work four jobs seven days a week.

13 Q. If you'll turn to Page 94, and that is dated -- the  
14 third tweet on that page is dated February 23, 2016. Could you  
15 read that tweet for us?

16 A. (Quoted as read.) "It's official. Join Team Cheri to  
17 help me bring your voice to the capitol."

18 And down at the bottom, I get to talk about the  
19 Anchor Festival in Centralia, the AB Chance Company that I go  
20 to every year with my kids and grandkids. I used to go with my  
21 grandma since its inception.

22 Q. And if you turn back one page to 93, look at the tweet  
23 at the top of that page. Could you tell us what that is?

24 A. So that is an invitation to my campaign kickoff, and  
25 below that is where I give blood. You'll see on my Twitter

1 feed and Facebook, I'm a lifelong blood giver. I give gallons  
2 and gallons and gallons of blood. So you can see below what  
3 you're referencing to where I'm giving blood to the Red Cross  
4 to save people's lives. So you can see my Twitter is a  
5 multitude of different facets of my life and not just one facet  
6 only.

7 Q. And now if you'd turn to Page 42, please. It's a tweet  
8 dated 8 November 2016, the bottom one on the page. Could you  
9 read that for us?

10 A. Okay. Bottom of 42?

11 Q. Bottom of 42, yes, ma'am.

12 A. (Quoted as read.) "Victory. Surrounded by family and  
13 friends. I will represent the 44th District. Let's get to  
14 work." That's election night with my nephew Erik that I keep  
15 referring to, and my brother.

16 Q. And that was the day that you won the election,  
17 correct?

18 A. Correct. Family is a very important part of my life.

19 Q. And then on Page 40, at the bottom of that page, you  
20 write, "Today I was humbled to commit myself to represent  
21 everyone in the 44th District and uphold the Constitution of  
22 Missouri"; is that correct?

23 A. Yeah. But you know what's better yet is the one above  
24 that says, "Inspiration: God put people like my firefighter  
25 father, Dale Toalson, in my life. He still inspires me with

1 his lessons of selfless service." And it has the picture of  
2 the Boone County Fire Protection District statue that he helped  
3 found, and I'm a founding CERT member of the fire district  
4 also. So firefighters are very dear to my heart.

5 Q. And after you took office, you continued to use your  
6 Twitter account to communicate with your constituents about  
7 your work as a state rep; isn't that correct?

8 A. No, I really use Twitter -- I follow 59 people because  
9 I like to see what other people have to say, and not so much  
10 that I tweet very much at all. Especially, you know, when I'm  
11 busy, which is all the time. So I'm rarely on Twitter, I  
12 rarely look at Twitter, I rarely use Twitter, and I rarely  
13 tweet.

14 Q. If you'll look at Page 36, please? At the second to  
15 the bottom tweet on that page, March 1, 2017, (quoted as read)  
16 "100 more jobs in the 44th District. Welcome to MO." That is  
17 your tweet, correct?

18 A. Yeah, what's awesome about that was I was the Economic  
19 Development Director for Hallsville, and I served on the  
20 Regional Economic Development Board for 24 years. And so Boone  
21 County, my hashtag of life has been jobs, jobs, jobs. And our  
22 motto at REDI is to attract new businesses, to expand existing  
23 businesses, and to retain. And so jobs in Boone County are  
24 very important to me and have been for about 35 years.

25 I've only been an elected rep for three, so for

1 three decades, it's been all about jobs in Boone County. And I  
2 talk a lot about jobs on my Twitter, Facebook, personal life.  
3 And you can just ask the media or any news articles, you will  
4 see me say jobs, jobs, jobs, because that's what it's about,  
5 and that's been my goal in life since I've been in government  
6 for 36 years. So...

7 Q. If you would look at Page 22, the top of that page.  
8 It's 16 August 2017. You write, (quoted as read) "I testified  
9 before the Senate today to repeal prevailing wage. Save  
10 taxpayers' money, helps schools, cities, et cetera."

11 You're referring to your testimony in the Senate  
12 chamber; is that correct?

13 A. So previous to this job, I was a city clerk for 30  
14 years, and then a mayor for four, and I've had to deal with and  
15 work with prevailing wage on public works projects for, like,  
16 roads, water, sewer, et cetera, parks. And prevailing wage  
17 adds to the cost to the taxpayer. And I'm a taxpayer watchdog,  
18 and so I have always ran on prevailing wage reform, which we  
19 did pass some, and so it will save taxpayers money, and I've  
20 been passionate about that for about 38 years now.

21 Q. When you testified, you weren't testifying as a city  
22 clerk, were you?

23 A. Yes, actually, I had told them that as a former city  
24 clerk and mayor, because it is not a custom for a state  
25 representative to testify in a Senate hearing. They actually

1 prefer that you not. Because I went there and said I am here,  
2 not as a state representative, I am here as a former mayor and  
3 city clerk that deal with prevailing wage from A to Z, start to  
4 finish. That's what I testified on behalf of was governmental  
5 agencies.

6 Q. On June 22, 2018, you spoke at a Farm Bureau event in  
7 Boone County; is that right?

8 A. Yes.

9 Q. And you tweeted about that event, as well; isn't that  
10 correct?

11 A. Yes.

12 Q. If you'll look at Exhibit 2, this is your tweet from  
13 that day?

14 A. Yes.

15 Q. You wrote, "An honor to speak at the Bo Co Farm Bureau  
16 Strawberry Festival. Sad my opponent put her hands behind her  
17 back during the Pledge."

18 What are you referring to when you talk about your  
19 opponent?

20 A. Well, her name is pronounced Maren, like the bird,  
21 wren. It's Maren Bell Jones, and that's who I'm referring to.

22 Q. And you were referring to, you say that she didn't --  
23 that she put her hands behind her back during the Pledge?

24 A. Yeah. I think it's self-explanatory, sir.

25 Q. Why did you feel the need to write that?



1 A. Because I felt it was sad.

2 Q. And why did you feel it was sad?

3 A. Because my father served in the military also, my  
4 grandfather served in the military; and I respect the flag and  
5 the United States of America and the constitutional republic  
6 that we are, and I was taught from at grade school, you put  
7 your hand over your heart and recite the words.

8 Q. Did you believe that Dr. Jones was being disrespectful?

9 A. I just said it was sad. I could let people form their  
10 own opinions.

11 Q. The next day your colleague, Kip Kendrick, criticized  
12 your tweet on Twitter, didn't he?

13 A. He did.

14 Q. And if you'll look at Exhibit 9, this is the tweet he  
15 wrote in response; is that correct?

16 A. Let me see if I can find Exhibit 9. I'm sorry, I'm  
17 seeing Exhibit 8. Let's see. Okay. Exhibit 9. I found it.  
18 I'm sorry. Could you repeat the question, please?

19 Q. Yes. This is the tweet by Kip Kendrick in response to  
20 your tweet about Dr. Jones; is that right?

21 A. Yes.

22 Q. And he questioned your questioning her for being  
23 unpatriotic; is that fair?

24 A. He just said he didn't question her patriotism.

25 Q. But it's fair to say he's criticizing you for doing

1 that, isn't it?

2 A. Possibly.

3 Q. And then my client, Mike Campbell, retweeted this;  
4 isn't that correct?

5 A. That's what's alleged.

6 Q. You don't know whether he did?

7 A. Yeah, I didn't know it -- didn't know at the time until  
8 after I was served with the lawsuit.

9 Q. But you did block him from your Twitter account, didn't  
10 you?

11 A. I blocked several people that Saturday morning after  
12 this event Friday night because a state representative called  
13 me a liar and that I lie on the House floor. And my personal  
14 Twitter account on my personal phone with a Gmail account is my  
15 private Twitter, and just because people have the right to  
16 speak doesn't mean I have to lose my right to listen.

17 It is not a public forum, and if they want to shout  
18 to the rooftops, they can. That doesn't mean I have to listen.  
19 If they call me a liar in person, I can walk away. I don't  
20 have to be bullied. If they call me on the phone and call me a  
21 liar, I will hang up.

22 Q. If they call you a liar on Twitter, you can turn off  
23 your computer, can't you?

24 A. It's on my phone. I can block them or mute them, or  
25 I'm thinking I'll just delete my Twitter account and have no

1 Twitter account. I'm old school. I'm a grandmother. If  
2 people want to contact me, they can call me on the phone, they  
3 can use e-mail, they can write a letter. I have office hours.  
4 I do forums and events in Centralia. I'm in Centralia all the  
5 time.

6 He drives within two blocks of my house. I'd never  
7 heard of this guy. I don't even know him, never met him. You  
8 know, he said he was in the capitol testifying on a bill, but  
9 he doesn't even know I have an office in the capitol. He  
10 became -- I became his state rep two months before he filed  
11 this lawsuit. He's never -- this is the first time I've ever  
12 met the guy. At least I have the right to see my accuser for  
13 the first time ever.

14 Q. Representative Reisch, you said that you blocked a  
15 number of people the following morning; isn't that correct?

16 A. Yeah, after being called a liar. I don't have to  
17 listen to it. Saturdays are busy days for me. I take care of  
18 a disabled brother --

19 Q. Did Mike Campbell call you a liar?

20 A. -- I work four jobs.

21 Q. Ma'am, did Mike Campbell call you a liar?

22 A. I didn't block Kip Kendrick. He just retweeted  
23 something from Kip. I blocked people who I did not know. I  
24 did not know this guy. I still don't know this guy, except  
25 what a Google search can tell me about him. So why do I have

1 to have people on my personal Twitter that I don't know  
2 anything about who they are or anything. It's my Twitter.

3 Q. In fact, you've blocked over 100 people from your  
4 Twitter account; isn't that correct?

5 A. Since 2015, and some of those people write in Arabic,  
6 from, like, Saudi Arabia princes. I don't need to look at  
7 them. I don't need to see Arabic because I don't read Arabic.  
8 Some were Nigerian, I don't know, people that they couldn't  
9 even talk broken English on Twitter. And I'm like, I don't  
10 know these people, I don't need to listen to these people. It  
11 clutters up my feed, it clutters up my life.

12 I follow 59 people. There's 59 people on my Twitter  
13 feed. I care what they have to say, I want to read what they  
14 have to say, and that's all I care about. I don't care about  
15 anyone else in the billions of Twitter users because Twitter is  
16 just something I look at. I rarely tweet on my personal  
17 Twitter account.

18 Q. Isn't it true that most of the people you blocked on  
19 Twitter are political opponents of yours or people who disagree  
20 with you politically?

21 A. No, not at all, because I don't know who these hundred  
22 people were. How would I know what their political affiliation  
23 is? In fact, usually they say where they're from, like  
24 Timbuktu or some other state. I don't care what people in  
25 other states have to say. I don't care what people that I

1 don't know have to say. Just because I'm an elected official  
2 doesn't mean I have to listen to people.

3 Q. If you'll look at --

4 A. I can walk away.

5 Q. If you'll look at Exhibit 5, this is the list of people  
6 who have been blocked from your Twitter account, correct?

7 A. I printed that out the day after I got the lawsuit.

8 Q. And if you'll --

9 A. You know, my nephew could have blocked some of these, I  
10 could have blocked some of these. There's names on here -- I  
11 don't even know 99 percent of these people. Who are these  
12 people?

13 Q. If you'll look at Page --

14 A. I've never heard of them.

15 Q. -- 7, please? You'll see about halfway down the page  
16 PROMO Missouri?

17 A. These pages aren't numbered. Did you say the seventh  
18 page?

19 Q. Seventh page, yes.

20 MR. PEARSON: Andy, can you just give her the  
21 number?

22 A. Could you tell me what's at the top of it so I know I'm  
23 on the correct page?

24 BY MR. HIRTH:

25 Q. Yeah, the top is IWF Verified account.

1 A. Okay. What does that mean? I don't even know what IWF  
2 Verified account is.

3 Q. About halfway down, one of the account users you  
4 blocked is PROMO Missouri. Do you see that?

5 A. Yeah, I don't know who Ralph Henning is, I don't know  
6 who Becky is.

7 Q. Do you know who PROMO Missouri is?

8 A. Not exactly. I think it's an LBGTQ, but I don't know  
9 them. I don't need to follow them, I don't need to see what  
10 they have to say.

11 I don't know who Pamela, CoMoPamMIZ is. I don't  
12 know who Ms. Smokey Mannington is. I don't know who 99 percent  
13 of these people are. Who is Trump's Boss? Who is Justin  
14 McElwain? Who is Arturo Diaz? Who is Chris Gorka?

15 THE COURT: Okay, Ms. --

16 A. Who is Salaam Enani?

17 THE COURT: Ms. Reisch, here is how this has to go.  
18 The attorney will ask the question, and then just respond.  
19 Your attorney will have an opportunity for clarification on  
20 anything you need. So when we just go on and on and there's  
21 not a question posed -- so, and I understand that --

22 THE WITNESS: I'm a little nervous, sir. Sorry.

23 THE COURT: And I understand that, and that's fine.  
24 And anything -- your attorney will have an opportunity to ask  
25 you questions to clear up anything or to let you kind of go

1 further. But right now in terms of Mr. Hirth who asks, just  
2 answer the question as best you can. I'll let you expound on  
3 it if you need to, and we'll go that way.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: Thank you.

6 MR. HIRTH: Thank you, Your Honor.

7 BY MR. HIRTH:

8 Q. If you'll look at Page 9, so two pages after where we  
9 just were.

10 A. Who is at the top so I'll know what --

11 Q. ERG Rhino. And the -- have you found that page, ma'am?

12 A. No. I'm almost there. I found it.

13 Q. And three names down, it says Karen @GunSenseMO\_Mom.

14 Do you know why you blocked Karen @GunSenseMO\_Mom?

15 A. I don't know Karen or any of the other people on that  
16 page, sir.

17 Q. If you'll look at Page 15, which at the top, first  
18 tweet -- or the first name on that page is Justin.

19 A. Okay. I'm there.

20 Q. And the third name down, Progress Missouri @ProgressMO,  
21 you blocked them. Do you know why?

22 A. No. But I also blocked a Justin, an Alison, an Amy,  
23 and a Deborah.

24 Q. And if you'll look at Page 19, which at the top has  
25 Race\_Matters\_Friends?

1 A. Same answer.

2 Q. You blocked Race\_Matters\_Friends, correct?

3 A. That's what it appears.

4 Q. Do you know why you blocked them?

5 A. No, but also I blocked all the other people on that  
6 page, Planet of the Opes, et cetera.

7 Q. And the next page, second person down, Brianna Lennon?

8 A. Now, I do know Brianna when she was running for county  
9 clerk. So, yeah.

10 Q. She was another candidate for office at the time?

11 A. Correct.

12 Q. Okay. And as a result of blocking each of these users,  
13 they're not able to see or comment on your tweets; isn't that  
14 correct?

15 A. Correct, but they can tweet and comment on anywhere  
16 else in the world they want to. They can tweet on their own  
17 Twitter. They can shout to the world or anything else they  
18 want to do.

19 Q. After you blocked Mr. Campbell on Twitter, he filed  
20 this lawsuit against you, correct?

21 A. Correct.

22 Q. And that made you pretty angry, didn't it?

23 MR. PEARSON: Objection, irrelevant.

24 THE COURT: What's the relevance?

25 MR. HIRTH: Well, Your Honor, I want to talk about



1 her responses to the lawsuit as a form of retaliation.

2 MR. PEARSON: Your Honor, there's no retaliation  
3 claim pleaded, so --

4 THE COURT: If you could object on your feet,  
5 counsel.

6 MR. PEARSON: Sorry, Your Honor. There's no  
7 retaliation count pleaded, so I'm not sure that anger and --

8 THE COURT: Agreed, sustained. Unless there's some  
9 reason to go into it, I sustain the objection.

10 MR. HIRTH: Thank you, Your Honor.

11 BY MR. HIRTH:

12 Q. We looked a little bit earlier at a press release that  
13 you issued in this case. That was Exhibit 12. Are you there,  
14 ma'am?

15 A. Yes, I am.

16 Q. Okay. And if you'll look at the second paragraph  
17 there, the one that begins "as a state representative," could  
18 you read that paragraph for us?

19 A. (Quoted as read.) "As a state representative who  
20 proudly serves the good people of the 44th District, comma, my  
21 door is always open. I am accessible by phone or e-mail at all  
22 hours of the day, and I attend numerous public forums  
23 throughout the year in an effort to give my constituents as  
24 many opportunities as possible to share their opinions with me.  
25 As a grandma who sometimes struggles with technology, it is

1 fair to say that I don't understand all of the nuances of  
2 social media and that I am far more comfortable with  
3 traditional forms of communication, like face-to-face meetings  
4 or a phone call. However, it is important to understand that  
5 any action I've taken on social media has never been done with  
6 the intent of silencing the voice of a constituent, but instead  
7 to avoid the name-calling and vitriol that all of us who use  
8 social media know is far too common."

9           Because when I blocked Mr. Campbell, I did not know  
10 he was a constituent.

11 Q.       Now, ma'am, you say you -- everything you've done on  
12 social media has never been with the intent of silencing the  
13 voice of a constituent. That's what you said?

14 A.       That's what it says there. That was written July 16,  
15 2018.

16 Q.       And instead it was to avoid name-calling and vitriol;  
17 is that correct? That's what you just read?

18 A.       Yeah, I get that all the time. I'm a public official.  
19 I've had assassination threats and everything else against me,  
20 my tires punctured. It's part of the job description.

21 Q.       Has Mr. Campbell ever called you names on Twitter?

22 A.       I don't know.

23 Q.       You don't know?

24 A.       I don't know. I don't know the guy. I've never met  
25 him until today.

1 Q. Has he subjected you to any vitriol?

2 A. I don't know.

3 Q. So, in fact, you didn't block him to prevent  
4 name-calling or vitriol, did you?

5 A. Could you repeat the question?

6 Q. Well, you just said -- I asked you if he ever called  
7 you names or used vitriol, and you said you didn't know. And  
8 I'm asking, so you didn't block him, then, because of  
9 name-calling and vitriol, did you?

10 A. He wasn't the person that called me a liar that  
11 Saturday morning.

12 Q. So you blocked Mr. Campbell because Mr. Franks called  
13 you a liar?

14 A. I was upset that morning because my disabled brother  
15 was having a difficult day, and so I really didn't need to be  
16 distracted. And so, you know, again, people can talk all they  
17 want. That doesn't mean I have to listen.

18 Q. And you said you wanted to keep the lines of  
19 communications open so that your constituents could share  
20 thoughts and concerns with you. That's your job, isn't it, as  
21 a state rep?

22 A. So I receive probably close to a hundred e-mails a day,  
23 and I keep a phone log of all of the phone calls that come into  
24 my office. And Mr. Campbell has never reached out to me. I  
25 not only get calls from constituents, but from all over the

1 state. And he says he's been in the capitol building, but he's  
2 never come to see me. I'm in Centralia all the time at events.  
3 He's never talked to me in my life.

4 Q. Isn't it true that Twitter is one of the ways that you  
5 communicate with your constituents?

6 A. No.

7 Q. You don't ever communicate with constituents on  
8 Twitter.

9 A. No. In fact, most of my friends and constituents  
10 aren't on Twitter. That is the last way I could communicate  
11 with my constituents. I'm more face to face in person. I'm  
12 everywhere all the time. I sometimes have three or four events  
13 a day all over my district. No, I use Twitter to see what's  
14 going on in other people.

15 Q. This press release wasn't the only time you talked with  
16 the press about Mr. Campbell; is that right?

17 A. I'm open with the press. They know my door is always  
18 open. In fact, we have press in Columbia, they all have my  
19 personal cell phone number. They can call me, they can e-mail  
20 me. In fact, I asked them to text me anytime they want to.

21 Q. Did you tell the --

22 A. I have media in the audience today. They have my  
23 personal cell phone numbers.

24 Q. Representative Reisch, did you tell the audience on  
25 93.9 that Mr. Campbell had warrants out for his arrest?

1 A. No, I said he had, H-A-D, had, according to Case.net.  
2 It's public record, public information. He failed to show up  
3 in Centralia Municipal Court. I'm a Certified Court  
4 Administrator. I did warrants. I ran a court for 30 years,  
5 and he couldn't even show up in court and had warrants for his  
6 arrest. That's a public record. Not that he had current  
7 active warrants. You're misleading what I said.

8 Q. And you said that on the radio in an effort to  
9 undermine his credibility, didn't you?

10 A. I'm just saying I don't know the guy. All I know is  
11 what a Google search told me. So I googled his name. I work  
12 at a law firm, I run a law firm in Columbia, and you know what?  
13 I'd never heard of this guy.

14 Q. If you'll look at Exhibit 15, which is a series of  
15 tweets on the 27th and 28th of March. And if you'll look at  
16 the second page of that exhibit at the top, could you read the  
17 first tweet there?

18 MR. PEARSON: Your Honor, may I have just a moment?

19 THE COURT: Yes.

20 MR. PEARSON: Thank you.

21 THE COURT: For a possible objection, is that --

22 MR. PEARSON: I wanted to read it before I made the  
23 objection.

24 THE COURT: Sure.

25 MR. PEARSON: Your Honor, I've given Mr. Hirth a

1 little bit of latitude, but I think this goes to the same point  
2 I made earlier, which is Ms. Reisch's commentary about the  
3 litigation is not relevant to the First Amendment issue that's  
4 been pleaded. So I'm going to object to the question that's  
5 before the Court.

6 THE COURT: I'm trying to figure out how that's  
7 relevant also.

8 MR. HIRTH: I understand, Your Honor. The issue  
9 here is Twitter is a means of communicating with people that  
10 Ms. Reisch uses frequently to talk about things that relate to  
11 her office, including this case. She has tweeted about Mr.  
12 Campbell multiple times but did not extend the same courtesy to  
13 him by blocking him.

14 And the point we're trying to make is that's the  
15 purpose of Twitter, this is about having these open dialogues;  
16 and we have a representative who will use it, but doesn't allow  
17 her constituents to use it. That's the point I want to make.

18 THE COURT: Well, I think you make it, and you've  
19 just made it without going through -- and part of this, I think  
20 part of the defense's position is that this is not the  
21 public -- they would totally disagree with what you just said.  
22 And we wouldn't disagree that if I find favorably for that  
23 position as a private, I can block you anytime I want to block  
24 you, correct?

25 MR. HIRTH: Absolutely. Absolutely.

1 THE COURT: Okay. So I understand what you're  
2 saying, but I think their position is clearly different than  
3 that. But, you know, I'm the trier of fact. I understand what  
4 you're saying. So I'll give you --

5 MR. HIRTH: I can move on.

6 THE COURT: I've given you leeway, but we probably  
7 should move on, thank you. So I'll sustain the objection. But  
8 I understand. Thank you.

9 MR. HIRTH: I'll try to skip here to the end. I  
10 apologize to the Court. I'm trying to eliminate as many  
11 questions as I can.

12 THE COURT: Related to --

13 MR. HIRTH: The comments that Ms. Reisch has made in  
14 response to the lawsuit. I'm trying to skip over most of those  
15 to -- in respect of your sustaining the objection.

16 THE COURT: At some point, you can just direct the  
17 Court to whatever, if you feel that's relevant to -- and I  
18 think you do, relevant to your case, but I don't think you need  
19 to go through every tweet. You can direct me to the exhibit at  
20 some point so I'll take that under consideration as I look.

21 MR. HIRTH: Thank you, Your Honor. I think I can  
22 stop there, Your Honor.

23 THE COURT: Okay. Mr. Pearson?

24 MR. PEARSON: Yes, Your Honor. I guess I have a  
25 procedural question for the Court. The only witness I plan to

1 call in my case in chief is Representative Reisch, so I'm  
2 prepared to do my entire examination now. I don't know if --

3 THE COURT: Yeah. And I think typically that's how  
4 we do it, so you don't have to necessarily call her in your  
5 case in chief. So, yeah, that's fine.

6 Obviously, Mr. Hirth, I'll give you the opportunity  
7 to come back up.

8 MR. HIRTH: Thank you, Your Honor.

9 - - -

10 CROSS-EXAMINATION

11 By Mr. Pearson:

12 Q. I'm going to start, Representative, with the nature of  
13 your employment as a member of the Missouri House of  
14 Representatives. So you were elected in 2016, correct?

15 A. Correct, and then reelected in '18. I'm one of 163  
16 House members. I am not the government. I do not make laws.  
17 I'm one of 163 in the House.

18 Q. And when did you become an employee of the Missouri  
19 House of Representatives?

20 A. So that started in January 2017, I was sworn into  
21 office.

22 Q. So we've spent a lot of time looking at Exhibit 1. And  
23 I'm going to have a couple questions, so you might find that in  
24 the book.

25 A. Okay. I'm there.



1 Q. So is this Twitter feed -- let me ask it this way.

2 Do you engage in Twitter activity, tweeting,  
3 commenting, liking, retweeting, while you are in the Missouri  
4 Capitol?

5 A. Oh, absolutely not. We go through a training as a  
6 newly elected official, and we must absolutely never ever do  
7 any kind of campaigning or even the appearance of campaigning  
8 in that capitol building. I have never tweeted from in that  
9 capitol building ever. I do it from my phone, and usually from  
10 when I'm at home in Hallsville.

11 Q. Okay. Is that phone that you just described paid for  
12 by the State of Missouri?

13 A. No, I've had the same phone number since cell phones  
14 came into play. I've had the same phone number, you can ask my  
15 son -- it's the same phone number as City Hall where I worked  
16 so my kids could remember it. So I pay for it. U.S. Cellular.

17 Q. Does any employee of the State of Missouri assist you  
18 in any way with your Twitter activity?

19 A. No one ever, except my nephew.

20 Q. And your nephew is not employed by the State of  
21 Missouri, right?

22 A. No.

23 Q. Was he ever?

24 A. No.

25 Q. Let's take a look at Page 1 of Exhibit 1. And

1 there's -- do you have that?

2 A. Yes.

3 Q. There's a banner photograph across the top. Do you see  
4 that?

5 A. Yes, sir.

6 Q. Where are -- and that's you, right?

7 A. Correct.

8 Q. Where are you in that photograph?

9 A. So that photo was taken by my nephew Erik on the day of  
10 my swearing-in in January of 2017 because I'm wearing the red  
11 boutonniere or corsage, whatever you call it. And so that was  
12 my first day in office in '17, and my Twitter was started in  
13 '15.

14 Q. So that picture was taken by your nephew and not by,  
15 say, a House-paid photographer, right?

16 A. Oh, no. No.

17 Q. What about the little circle picture there? Where are  
18 you there?

19 A. I'm in the House chamber. My nephew Erik took that  
20 picture again. There's some others in my Twitter feed with him  
21 with me taken by my brother, and then one with me and my  
22 brother taken my him. I love my family.

23 Q. So do you use any State of Missouri resources in any  
24 way on Exhibit 1?

25 A. Absolutely not. That would be an ethics violation.

1 Q. You have, as a state representative, an office in the  
2 State Capitol, right?

3 A. I do.

4 Q. And there's a computer there that's paid for by the  
5 State, I suppose.

6 A. Yes, they provide us with a computer.

7 Q. And you don't -- do you ever use that computer to  
8 tweet?

9 A. Never.

10 Q. Do you have any employees under your control who are  
11 paid for by the Missouri House of Representatives?

12 A. I have one legislative assistant.

13 Q. What's her name, please?

14 A. Valerie.

15 Q. Does Valerie participate in your Twitter feed?

16 A. No, never. And the reason I laugh is she's older than  
17 I am, and she doesn't have Facebook or Twitter. She wouldn't  
18 know how to tweet if she had to.

19 Q. Does anybody employed by the State of Missouri tell you  
20 what content should be on your personal Twitter feed,  
21 Exhibit 1?

22 A. No. In fact, nobody tells me what to put on it except  
23 my nephew Erik. The State of Missouri, the House has never  
24 told me what to tweet, what not to tweet, what to put on there,  
25 what not to put on there.

1 Q. You have an official -- ask this a little better.

2 As a member of the Missouri House, there is a  
3 website that provides information about you; am I correct in  
4 that assumption?

5 A. The official House website does give some bio on every  
6 representative, yes.

7 Q. And it talks about maybe bills that you've sponsored  
8 and that sort of thing.

9 A. Correct.

10 Q. Do you know what the URL for that website is?

11 A. House.mo.gov.

12 Q. And that website is not the one on Page 1 of Exhibit 1,  
13 which is cheri44.com, right?

14 A. Correct.

15 Q. Completely separate.

16 A. Completely separate.

17 Q. Are you familiar with what we talked about about an  
18 hour and a half ago, the terms of use of Twitter?

19 A. Yeah, I am.

20 Q. And would you agree with Mr. Hirth --

21 MR. PEARSON: I'll just try to speed this along a  
22 little, Your Honor.

23 BY MR. PEARSON:

24 Q. Would you agree with Mr. Campbell that the terms of use  
25 define the rules for Twitter?

1 A. Correct. Because it's a private company, and they set  
2 the rules, and you have to follow the rules, you know, like if  
3 you incite violence. There's a fake Twitter account called  
4 Cheri Toalson Reisch's Guns that's impersonating me, and they  
5 incite violence, and I have had to report it to Twitter. And  
6 they keep taking down their tweets because it's -- it's telling  
7 the world that I'm shooting people and I carry a gun in my  
8 Bible, and it's inciting violence. So they take down the fake  
9 site that's impersonating me, as they should. Or pornography  
10 or anything else that's inappropriate. Just like the fake  
11 satire page that Facebook has that's impersonating me, and the  
12 assassination threat I received on there. I don't have to  
13 listen to those people.

14 MR. PEARSON: Can I just have a moment?

15 THE COURT: Yes, sure.

16 MR. PEARSON: Thank you.

17 BY MR. PEARSON:

18 Q. Are you okay to proceed, Representative?

19 A. Yes.

20 Q. Thank you. We talked -- I'm not sure we got this in  
21 the record, so -- it's a pretty obvious question, but you're a  
22 Republican.

23 A. Correct.

24 Q. And we've spoken about Representative Kip Kendrick at  
25 some length. And what's his political affiliation?

1 A. Democrat.

2 Q. And you testified earlier that it was Mr. Campbell's  
3 retweet of Representative Kendrick's commentary that sort of  
4 led to the blocking here, right?

5 A. Correct, but I never blocked Kip Kendrick. That was a  
6 lie in the petition. I never blocked Kip. He's a colleague.

7 Q. Why didn't you block him?

8 A. Because I've worked with Kip since I was elected.  
9 We're all representatives from Boone County. We're trying to  
10 do the greater good for Columbia and Boone County, and we have  
11 to work across the aisle and work together as a team. We're  
12 working on multiple bills for Boone County together.

13 Q. Do you have any sort of policy that you block all  
14 people who disagree with you politically?

15 A. No. Two of my very best friends in the world are  
16 Democrats, and one even voted for me. She said I would be the  
17 first and last Republican she'd ever vote for, and I love her  
18 since I was a baby.

19 Q. Other than Representative Kendrick, are there any  
20 Democratic elected officials or Democratic organizations who  
21 are followers of you on Twitter, to your knowledge?

22 A. So the Boone County Democratic Party, you would see  
23 that they are not on this block list. I allow the Boone County  
24 Democrats to follow me because I am Cheri Reisch. So I do not  
25 block all Democrat-following or leaning organizations at all.

1 You can go to their Twitter feed and see that I'm not  
2 blocked -- blocking the Boone County Democrats or Kip Kendrick.

3 Q. I want to ask you just a couple of questions about  
4 Exhibit 5. That's the list of blocked people that Mr. Hirth  
5 asked you about. I'm not going to go through them one by one,  
6 but --

7 MR. PEARSON: In fact, I'll withdraw that question,  
8 Your Honor. I don't need to go down that path.

9 BY MR. PEARSON:

10 Q. After this lawsuit was filed, did you at some point  
11 consider whether to just delete your Twitter feed and stop  
12 using it?

13 A. Yes. In fact, I'm still considering it. I may go walk  
14 out this door today and just shut down my Twitter account, and  
15 then nobody can contact me by Twitter if they wanted to.

16 Q. And why would you do that?

17 A. I don't need the headache hassle. I'm old school. If  
18 people want to talk to me, they can pick up a phone, they can  
19 use an e-mail, they can talk to me face to face. I'm more of a  
20 people person. I like to talk to humans face to face. I'm not  
21 hiding behind some anonymous keyboard.

22 MR. PEARSON: No further questions, Your Honor.

23 THE COURT: Okay, thank you. Why don't we do this.  
24 Why don't we take about a ten-minute break, and then when we  
25 resume, then, counsel, you'll have the opportunity to cross,

1     okay? Or redirect.

2                     (A recess was taken from 10:45 a.m. to 11:02 a.m.)

3             THE COURT: Okay. Mr. Hirth?

4             MR. HIRTH: Your Honor, we have no redirect for the  
5     defendant.

6             THE COURT: Okay. Thank you, you may step down,  
7     ma'am.

8             Any further evidence from the plaintiff?

9             MR. HIRTH: No evidence from the plaintiff, Your  
10    Honor.

11            THE COURT: Okay. Do you all want to make any  
12    summation or...

13            MR. PEARSON: Defendants don't feel that that's  
14    necessarily necessary, as long as Mr. Hirth agrees with me.

15            MR. HIRTH: We agree with that, Your Honor.

16            THE COURT: Okay. Okay, great. So I know we had  
17    talked about this before that I was having, I don't know what  
18    additional -- it's almost already been done in terms of the  
19    findings of fact and conclusions of law. And if you guys  
20    wanted to -- I think we have talked about this before, just  
21    submitting that to the Court? You know, any additional facts  
22    we have now or didn't have, then submit it. How long do you  
23    think it would take you all to do that?

24            MR. HIRTH: So we have -- both Lowell and I have a  
25    pretty busy schedule over the next month, so if we could have



1 45 days? Is that --

2 MR. PEARSON: Forty-five days would be fine, Your  
3 Honor.

4 THE COURT: Okay. Why don't we do 45? Why don't  
5 we --

6 LAW CLERK: June 3rd.

7 THE COURT: June 3rd? Wow, that's quick. How did  
8 you do that, June 3rd?

9 MR. PEARSON: Sixty?

10 MR. HIRTH: We can do 60.

11 THE COURT: No, I'm not saying for my purposes. She  
12 just knew it was June 3rd, 45 days from now, that was my whole  
13 point, that was pretty quick.

14 No, that's fine. That is fine with the Court.  
15 Yeah, that's fine. You know, I don't have -- I didn't know if  
16 you had more of a time -- you know, time sensitive in any way  
17 for you all.

18 MR. PEARSON: I don't think so, Your Honor.

19 THE COURT: Okay.

20 MR. PEARSON: That would allow my client to review  
21 the document after the session ends in the middle of May, which  
22 I would appreciate. So I think that would be a courtesy to  
23 Representative Reisch to get us past the middle of May.

24 THE COURT: And I'm fine with that. If you all are  
25 okay with that, I'm fine with that also.

1 MR. PEARSON: Thank you.

2 THE COURT: Okay. Let me --

3 (The Court conferred privately with court staff.)

4 THE COURT: Thank you. I have to get my think tank  
5 with me to see if there's anything I needed to ask you all, but  
6 I think you guys have given us everything we need ultimately to  
7 make our decision. We'll be awaiting the proposed findings of  
8 fact and conclusions of law in 45 days, and then the Court will  
9 be in a position to rule at that point.

10 But I appreciate the evidence, appreciate you all  
11 coming in. I didn't realize what this day was until -- you  
12 know, Good Friday in terms of that. But at least we put on the  
13 evidence, and the Court will be ready to rule once I receive  
14 your motions. So, thank you all.

15 (Trial adjourned.)

16 - - -

17 - - -

18 CERTIFICATE

19 I certify that the foregoing is a correct transcript  
20 from the record of proceedings in the above-entitled matter.

21

22

23 May 1, 2019

24

25

/s/ \_\_\_\_\_  
Kathleen M. Wirt, RDR, CRR  
U.S. Court Reporter